

Applic. No. 10/735,232
Amdt. dated October 31, 2005
Reply to Office action of September 8, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-8 remain in the application. Claims 2 and 3 have been amended. Claims 4-7 have been withdrawn from consideration.

In item 2 on page 2 of the above-identified Office action, claim 3 has been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that it is unclear if the "a brake" in claim 3 is the same "a brake" in claim 1. Claims 2 and 3 have been amended so as to further clarify the claims and to facilitate prosecution of the application. Therefore, the rejection is believed to have been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor

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for any reason related to the statutory requirements for a patent.

In item 3 on page 2 of the Office action, claim 1 has been rejected as being fully anticipated by Schaffner et al. (U.S. Patent No. 5,265,861) (hereinafter "Schaffner") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the drive connection having an overrunning clutch, and a brake for retarding the braking element.

Applicants respectfully disagree with the Examiner's comments on page 3 of the Office action that "a brake must be used in order to lower the speed." More specifically, this statement is not true because column 5, lines 2-5 of Schaffner disclose

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that the speed of the driving motor (27) is variably adjusted to variably drive the two shafts (24), i.e. to retard and then again to accelerate the rotational speed. Accordingly, in order to decelerate the braking device, the speed of the driving motor is reduced, thus a brake is not required. Therefore, the Examiner's position that "a brake must be used to lower the speed" is not correct.

The Examiner stated on page 4 of the Office action that "as such a clutch is disclosed." The Examiner overlooks the fact that the present invention as claimed, calls for an "overrunning clutch" and not just a clutch.

An overrunning clutch is far more specialized than a "clutch" per se. More specifically, as can be seen on page 16 of the specification, the overrunning clutch allows the braking element/suction belt 3.8 to be accelerated to a speed that is greater than that of the drive by the sheet 2.2, which is still being transported at the higher processing speed of the conveyor 3.5. Accordingly, the overrunning clutch allows the braking element to overrun the drive, thereby allowing the braking element to accelerate. The clutch disclosed in Schaffner is used in the gear transmission of the drive. Therefore, the "clutch" of Schaffner is not an "overrunning clutch" as recited in claim 1 of the instant application.

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As seen from the above-given comments, the reference does not show the drive connection having an overrunning clutch, and a brake for retarding the braking element, as recited in claim 1 of the instant application.

The Schaffner reference discloses that the speed of the driving motor is variable. Schaffner does not disclose a brake for the braking device. This is contrary to the invention of the instant application as claimed, in which a brake retards the braking element.

The Schaffner reference discloses a clutch in the gear transmission. Schaffner does not disclose an overrunning clutch. This is contrary to the invention of the instant application as claimed, in which drive connection has an overrunning clutch.

In item 4 on page 4 of the Office action, claim 8 has been rejected as being obvious over Schaffner (U.S. Patent No. 5,265,861) in view of Peyrebrune (U.S. Patent No. 2,924,453) under 35 U.S.C. § 103. Peyrebrune does not make up for the deficiencies of Schaffner. Since claim 1 is believed to be allowable, dependent claim 8 is believed to be allowable as well.

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It is appreciatively noted from item 5 on page 5 of the Office action that claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-8 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

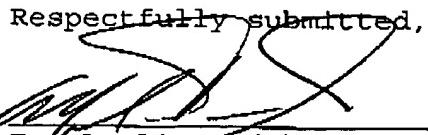
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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,

For Applicant(s)

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